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10/016,475

11/30/2001

Roger Proksch

14083-002001

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Law Office of Scott C Harris Inc  
PO Box 1389  
Rancho Santa Fe, CA 92067

EXAMINER

PATIDAR, JAY M

ART UNIT

PAPER NUMBER

2862

MAIL DATE

DELIVERY MODE

05/22/2009

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* ROGER PROKSCH, JASON CLEVELAND, and DAN BOCEK

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Application No. 10/016,475  
Technology Center 2862

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Mailed: May 22, 2009

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Before CAROLYN L. JOHNSON, *Supervisory Paralegal Specialist*.  
CAROLYN L. JOHNSON, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 9, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, MISSING SIGNATURES

An appeal conference is mandatory in all cases in which an acceptable appeal brief has been filed and a determination to move forward on appeal has been made. The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal. On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. The answer must also include the signature of a TC Director or designee to indicate that he or she approves any new grounds of rejection, if presented.

A review of the file finds that the examiner's answer is missing either at least one typed/ printed name of the appeal conference participants and/or is missing at least one initial or signature to make the record clear the appeal conference was held in accordance with MPEP § 1207.01. Therefore, correction is required.

APPEAL BRIEF, CLAIMS APPENDIX

A review of the Appeal Brief filed December 31, 2007, reveals that claim 64 in the Claims appendix of the Appeal Brief is not consistent as amended in the last entered amendment filed on July 18, 2005. The copy of the claims should be in proper format and should not include any markings such as brackets or underlining except for claims in a reissue application in accordance with 37 CFR 41.37(c)(1)(viii). Furthermore, the Claims

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Appendix cannot assume entry of After Final Submissions for which an Advisory Action (or other Office communication) has not advised of entry. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

Specifically, claim 64, line 7, as provided in the Brief's Claims Appendix, reads: "coil form 80".

However, in the last entered Amendment dated July, 18, 2005, claim 64, line 9, reads: "coil form so". Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

### CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) to obtain the necessary conferee signatures and/or TC Director signature (if necessary); and
- 2) correction of the Claims Appendix of the Brief filed December 31, 2007;
- 3) for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

CLJ/LP

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